



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2013-0047

Approved by Planning and Zoning: August 27, 2013

Permission is hereby granted to: Zoe's Virginia LLC

to use the premises located at: 3644 King Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

8/27/2013

Date

Faroll Hamer *KWHM*

Faroll Hamer, Director
Department of Planning and Zoning

DATE: August 27, 2013

TO: Karl Moritz, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0047
Administrative Review for New Use
Site Use: Outdoor Dining
Applicant: Zoe's Virginia LLC
Location: 3644 King Street
Zone: CG / Commercial General

Request

Special Use Permit #2013-0047 is a request to operate a new outdoor dining use at an approved restaurant in the Bradlee Shopping Center. The applicant plans to operate 20 outdoor dining seats that will be located in a new patio area constructed in front of the restaurant. The front wall of the tenant space has been moved inward such that the new patio will not occupy the sidewalk area used by pedestrians to move between stores. The applicant will operate the outdoor dining between the hours of 11 a.m. and 9 p.m. daily. On-premises alcohol service is expected in addition to American and Mediterranean cuisine in a fast-casual format. The restaurant is expected to operate under the trade name of "Zoe's Kitchen."

Background

Since 2008, restaurants in shopping centers have been permitted uses and the interior portion of the restaurant does not need Special Use Permit approval. However, pursuant to Section 4-402.1(E) of the Zoning Ordinance, up to 20 outdoor dining seats requires approval of at least an Administrative Special Use Permit.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Fairlington Citizens', Fairlington Villages Condominium, and Fairlington Towne Condominium Associations were sent written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff does not object to the applicant's proposal. Outdoor dining is a reasonable operational element for this restaurant, particularly on this shopping center property that contains several other commercial businesses, including restaurants. Given the relatively low number of seats (20) and closing hour (9 p.m.) that are proposed here, staff does not

expect negative impacts on adjacent properties. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: August 27, 2013

Action: Approved


Karl Moritz, Deputy Director

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2013-0047

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of outdoor seats at the restaurant shall not exceed 20. (P&Z)
3. The hours of operation for the outdoor dining area shall be limited to between 11 a.m. and 9 p.m. daily. (P&Z) Outdoor seating shall be cleared of patrons by 9:00 P.M. and the area shall be cleaned and washed at the end of each day that it is in use. Outdoor dining areas shall not include advertising signage, including on umbrellas. (P&Z)
4. The applicant shall post the hours of operation for the outdoor seats at the front of the business. (P&Z)
5. No live entertainment shall be allowed in the outdoor dining area. (P&Z) (T&ES)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
8. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
9. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
10. The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.

11. The applicant shall require its employees who drive to work to use off-street parking.
12. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.
13. Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, or more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES) (SUP#97-0193)
15. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
17. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services

R-1 From Zoning Ordinance Section 11-513(C)

- (2) The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- (3) The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.
- (5) The applicant shall require its employees who drive to work to use off-street parking.
- (9) Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- (10) The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.

R-2 From Zoning Ordinance Section 11-513(L)

- (10) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (11) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- (12) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.

R-3 From Zoning Ordinance Section 11-513(M)

(5) No live entertainment shall be permitted in the outdoor seating area.

C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Administration

F-1 No comments received

Health Department

Parks and Recreation

F-1 No comments received

Police

F-1 No objections

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0047. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the outdoor dining at 3644 King Street.


Applicant - Signature

8-29-13
Date

Ken Little
Applicant - Printed

8-29-13
Date